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8 **Attorneys for Defendants**
9 **MIKE'S NOVELTIES, INC. and MANISCH CHANDER**

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
13

14 JAKE LEE, an individual

15 Plaintiff,

16 vs.

17 MIKE'S NOVELTIES, INC. d.b.a.
18 MIKE'S WORLDWIDE IMPORTS, a
19 Texas Corporation; and
20 MANISCH CHANDER, a.k.a. MIKE
21 CHANDER, a.k.a. MANISCH
22 CHANDRA, a.k.a. MIKE CHANDRA, an
23 individual

24 Defendants

) Case No.: CV10-02225-JAK (JCx)

) **Hon. Judge John A. Kronstadt**

) **DEFENDANTS' PROPOSED**
) **SPECIAL JURY VERDICT FORM**

) Complaint Filed: March 26, 2010
) Discovery Cut-Off: August 2, 2011
) Pre-Trial Conference: November 28, 2011
) Trial Date: December 6, 2011

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

INFRINGEMENT

(The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.)

A. Direct Infringement

1. HAS PLAINTIFF PROVEN THAT IT IS MORE LIKELY THAN NOT THAT EVERY REQUIREMENT OF THE ASSERTED CLAIMS OF U.S. PATENT NO. 6,418,936 ('936 PATENT) IS INCLUDED IN DEFENDANTS' ACCUSED PRODUCT?

Answer the following question regarding infringement of the '936 Patent with "Yes" or "No". A "Yes" is a finding for Plaintiff. A "No" is a finding for Defendant.

(A)	Claim 1	Yes _____	No _____
(B)	Claim 2	Yes _____	No _____
(C)	Claim 3	Yes _____	No _____
(D)	Claim 4	Yes _____	No _____
(E)	Claim 8	Yes _____	No _____
(F)	Claim 9	Yes _____	No _____
(G)	Claim 10	Yes _____	No _____
(H)	Claim 11	Yes _____	No _____
(I)	Claim 12	Yes _____	No _____
(J)	Claim 14	Yes _____	No _____
(K)	Claim 16	Yes _____	No _____
(L)	Claim 18	Yes _____	No _____

1 **B. Willful Infringement**

2 **2. IF YOU FOUND THAT DEFENDANT INFRINGED ANY CLAIM OF THE**
3 **‘936 PATENT, THEN ANSWER THE FOLLOWING:**

4 **HAS PLAINTIFF PROVEN THAT IT IS HIGHLY PROBABLE THAT**
5 **DEFENDANTS WERE AWARE OF THE ‘936 PATENT AND ACTED**
6 **DESPITE AN OBJECTIVELY HIGH LIKELIHOOD THAT THEIR**
7 **ACTIONS INFRINGED AT LEAST ONE VALID AND**
8 **ENFORCEABLE CLAIM OF THE ‘936 PATENT?**

9 *Answer the following question regarding willful infringement with a “Yes” or*
10 *“No”. A “Yes” is a finding for Plaintiff. A “No” is a finding for Defendant.*

11 Yes _____ No _____

12 **3. IF YOUR ANSWER TO QUESTION #2 IS “YES”, THEN ANSWER THE**
13 **FOLLOWING:**

14 **HAS PLAINTIFF PROVEN THAT IT IS HIGHLY PROBABLE THAT**
15 **DEFENDANTS ACTUALLY KNEW, OR IT WAS SO OBVIOUS**
16 **THAT DEFENDANTS SHOULD HAVE KNOWN, THAT ITS**
17 **ACTIONS CONSTITUTED INFRINGEMENT OF A VALID AND**
18 **ENFORCEABLE PATENT?**

19 *Answer the following question regarding willful infringement with a “Yes” or*
20 *“No”. A “Yes” is a finding for Plaintiff. A “No” is a finding for Defendant.*

21 Yes _____ No _____

INVALIDITY

(The question regarding invalidity should be answered regardless of your findings with respect to infringement.)

A. Written Description Requirement

4. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE SPECIFICATION OF THE '936 PATENT DOES NOT CONTAIN AN ADEQUATE WRITTEN DESCRIPTION OF THE CLAIMED INVENTION?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

B. Enablement

5. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE SPECIFICATION OF THE '936 PATENT DOES NOT CONTAIN A DESCRIPTION OF THE CLAIMED INVENTION THAT IS SUFFICIENTLY FULL AND CLEAR TO ENABLE PERSONS OF ORDINARY SKILL IN THE FIELD TO MAKE AND USE THE INVENTION?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

C. Best Mode

6. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE '936 PATENT DOES NOT DISCLOSE WHAT THE INVENTOR BELIEVED WAS THE BEST WAY TO CARRY OUT THE CLAIMED INVENTION AT THE TIME THE PATENT APPLICATION WAS FILED?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

D. Anticipation

7. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT CLAIM 1 OF THE '936 PATENT WAS "ANTICIPATED" OR, IN OTHER WORDS, NOT NEW?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

If the answer is "Yes", check any reason below that is applicable:

_____ Plaintiff's invention was already patented or described in a printed publication somewhere in the world before the date of conception.

_____ Plaintiff's invention was already described in another issued U.S. patent that was based in a patent application filed before the date of conception.

_____ Plaintiff did not invent the claimed invention but instead learned of the claimed invention from someone else.

8. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT CLAIM 11 OF THE '936 PATENT WAS "ANTICIPATED" OR, IN OTHER WORDS, NOT NEW?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

If the answer is "Yes", check any reason below that is applicable:

_____ Plaintiff's invention was already patented or described in a printed publication somewhere in the world before the date of conception.

_____ Plaintiff's invention was already described in another issued U.S. patent that was based in a patent application filed before the date of conception.

_____ Plaintiff did not invent the claimed invention but instead learned of the claimed invention from someone else.

E. Statutory Bar**9. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE '936 PATENT WAS NOT FILED WITHIN THE TIME REQUIRED BY LAW?**

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

If the answer is "Yes", check any reason below that is applicable:

_____ Plaintiff's invention was sold or offered for sale in the United States more than one year before the priority date of the '936 Patent.

_____ Plaintiff's invention was in public use in the United States more than one year before the priority date of the '936 Patent and the use was not primarily an experimental use controlled by the Plaintiff and to test whether the invention worked for its intended purpose.

F. Obviousness**10. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE FOLLOWING CLAIMS OF THE '936 PATENT ARE INVALID ON THE GROUND OF OBVIOUSNESS?**

Answer the following question regarding invalidity of the '936 Patent with "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Claim 1 Yes _____ No _____

Claim 11 Yes _____ No _____

G. Inventorship**11. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE '936 PATENT FAILS TO NAME ALL ACTUAL INVENTORS.**

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No _____

FINDINGS ON DAMAGES (IF APPLICABLE)

(If you answered question 1 "Yes" and questions 4, 5, 6, 7, 8, 9, 10, and 11 "No", then proceed to answer the remaining questions. If you did not so answer, do NOT answer the remaining questions and proceed to check and sign the verdict form.)

12. WHAT LOST PROFITS, IF ANY, DID PLAINTIFF SHOW IT MORE LIKELY THAN NOT SUFFERED AS A RESULT OF SALES THAT IT WOULD WITH REASONABLE PROBABILITY HAVE MADE BUT FOR DEFENDANT'S INFRINGEMENT?

\$ _____

13. FOR THOSE INFRINGING SALES FOR WHICH PLAINTIFF HAS NOT PROVED ITS ENTITLEMENT TO LOST PROFITS, WHAT AMOUNT HAS IT PROVED IT IS INTITLED TO AS A REASONABLE ROYALTY?

\$ _____

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: _____

Signed By: _____

Presiding Juror